IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SIXTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

-

WRIT PETITION NO : 21167 of 2004

Between:

Vajjala Vishnu Priya, w/o Prabhakara Rao,
r/o D.No.8-57-160, Golla Street, Chittavalasa, Visakhapatnam.

..... PETITIONER

AND

1 The Deputy Inspector General, Visakhapatnam Range, Visakhapatnam.
2 K.Venkateswara Rao, Sub-Inspector of Police,
Bhimunipatnam Police Station, Visakhapatnam.
3 Vajjala Shiva Rao, s/o Venkata Rao,
r/o D.No.8-57-160/1, Golla Veedhi, Chittivalasa,
Bheemunipatnam Municipality, Visakhapatnam District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ or order or direction more particularly one in the nature of writ of mandamus declaring the inaction of the 1st respondent in disposing his application dt.04-02-2004 seeking sanction to prosecute the 2nd respondent for various offences committed by him in spite of a lapse of more than 1 1/2 years as illegal, arbitrary, malafide, unjust and to consequently direct the 1st respondent to accord necessary sanction to prosecute the 2nd respondent.

Counsel for the Petitioner: MR.K.SARVABHOUMA RAO

Counsel for the Respondents : GP FOR HOME

The Court made the following :

ORDER:

Petitioner, alleging that the second respondent in colourable exercise of the power of office as Sub Inspector of Police, Bhimunipatnam police station, had committed acts, which are offences under Sections 119, 166, 167, 212, 503 and 504 of the Indian Penal Code, made a complaint to the first respondent with a request to sanction prosecution of the second respondent. The complaint in the Writ Petition is that this complaint / representation dated 04.02.2004 has not been disposed of. Receipt of any such complaint / representation is denied in the counter affidavit filed by the respondents 1 and 2. In any event, the petitioner concedes that the authority competent to sanction prosecution of the second respondent is the State Government. It is admitted that no complaint / representation has been made to the first respondent against the second respondent seeking sanction for prosecution of the latter.

In the circumstances, the Writ Petition is dismissed. The petitioner is at liberty to submit a representation to the State Government for sanction of prosecution of the second respondent.

06.06.2005

DRK

Copy to:

1 The Deputy Inspector General, Visakhapatnam Range, Visakhapatnam.

2 Two CCs to the G.P. for Home, High Court of A.P., High Court buildings, Hyderabad (o.u.t.)

3 Two CD copies.

4 Sub-Inspector of Police, Bhimunipatnam Police Station, Visakhapatnam.